

**Opening Statement of the Honorable Mary Bono Mack
Chairman, Subcommittee on Commerce, Manufacturing and Trade
Discussion Draft,
“Enhancing CPSC Authority and Discretion Act of 2011”
May 12, 2011**

Today we are taking an important first step toward making the Consumer Product Safety Improvement Act or CPSIA, the kind of truly landmark legislation it was originally intended to be. When CPSIA was signed into law in 2008, it modernized and strengthened the Consumer Product Safety Commission in many different and meaningful ways. It was also the first significant reform of the CPSC in nearly two decades.

While CPSIA has many virtues, there are some unintended consequences of the law as well. Over the past four months, we have carefully reviewed the provisions which have turned out to be “overreaching,” and today we are offering legislation to fix them. Admittedly, this is a careful balancing act, but even the Consumer Product Safety Commission has recognized the problems with CPSIA and requested greater flexibility in implementing the new law.

For thousands of businesses, which strive to be responsible, “let’s do what’s best for consumers” – CPSIA has consumed an inordinate amount of their time trying to understand how each new regulation and standard will affect them. Unfortunately, many have gone out of business, attributing their demise to some of the burdens of compliance. Today, we are attempting to strike a careful balance. As a nation, we simply cannot afford to lose jobs or stifle innovation because of questionable regulations.

Frankly, many businesses had never even heard of CPSIA until well after it was enacted. Most were shocked to learn of the onerous requirements it would impose on them if they manufactured or sold any “children’s product” – even though they had never done anything wrong and never had a single product recall.

It all began with the best of intentions. In 2007, the widely publicized toy recalls for violations of the existing lead paint standard gave way to a new prohibition on lead content in

children's products. As interpreted by the Commission, this category goes far beyond just toys to cover sporting goods, library books, all-terrain vehicles, educational products, CDs, clothing and many other items.

The goal was a noble one: making products safer for our kids. But within just months of passage, both the Commission and Congress realized that problems with the new law would need to be addressed. Earlier this year, the Commission announced yet another stay of enforcement to avert potentially disastrous results for many American businesses.

Today, the Commission has jurisdiction over literally thousands of different types of products. It's critically important that they should be able to prioritize their resources to address the products that pose the greatest risk to consumers.

As I have said many times – as a mother – I have very strong, passionate feelings about protecting all children. But as a former small business owner, I know all too well how unnecessary regulations – even well intentioned ones – can destroy lives, too. Today we have a chance to fulfill CPSIA's potential by working together to make a good law even better.

Since becoming Chairman, we have held two hearings on this issue, and met with all of the key stakeholders, including consumer groups. I have also tried very hard to make this a bipartisan process by soliciting input from my colleagues on other side of the aisle, including Mr. Waxman, Mr. Dingell, Mr. Butterfield and Ms. Schakowsky.

While I understand that we still have differences of opinion, I hope that we can continue to work together to improve CPSIA in ways that benefit all Americans – and not just some of them.